

AMENDED IN SENATE JUNE 9, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1586

Introduced by Assembly Member Swanson

September 2, 2009

An act to add Section 28767.8 to the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1586, as amended, Swanson. San Francisco Bay Area Rapid Transit District.

Existing law creates the San Francisco Bay Area Rapid Transit District (BART), governed by an elected board of directors, with various duties and responsibilities relative to the operation of a rail transit system. Existing law authorizes the district to maintain a police department.

This bill would authorize the BART board of directors to establish an office of independent police auditor that would report directly to the board and investigate complaints ~~filed by members of the public~~ against district police ~~officers~~ *personnel* relative to on-duty misconduct *and off-duty unlawful activity*, as specified. If the board establishes an office of independent police auditor, the bill would require the board to organize, reorganize, and manage the office and would require the auditor to prepare reports of his or her activities.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited as, the
2 ~~Bart~~, as the BART Public Safety Accountability Act.

3 SEC. 2. Section 28767.8 is added to the Public Utilities Code,
4 to read:

5 28767.8. (a) The board may establish an office of independent
6 police auditor, reporting directly to the board, to investigate
7 complaints ~~filed by members of the public~~ against district police
8 ~~officers~~ *personnel*.

9 (b) The *appointed* independent police auditor shall have the
10 following powers and duties:

11 (1) To investigate those complaints or allegations of on-duty
12 misconduct ~~and off-duty unlawful activity~~ by district police ~~officers~~
13 ~~received from members of the public~~ *personnel*, within the
14 independent police auditor's purview as it is set by the board.

15 (2) To reach independent findings as to the validity of each
16 complaint.

17 (3) To recommend appropriate disciplinary action against district
18 police ~~officers~~ *personnel* for those ~~citizen~~ complaints determined
19 to be sustained.

20 (c) The board shall organize, reorganize, and manage the office
21 of the independent police auditor. Notwithstanding the authority
22 granted the general manager in this part, the board may, by
23 resolution, authorize a citizen review board to participate in
24 recommending appropriate disciplinary action, ~~if any, within the~~
25 ~~independent police auditor's authority~~.

26 (d) The independent police auditor shall prepare, in accordance
27 with the rules of the office, reports of his or her activities as
28 permitted by law.